THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :23186 of 2007

DATED:02-11-2007

BETWEEN:

Kodali Naga Durga Varalakshmi & 3 others.

..... PETITIONERS

AND

The District Collector,]
Chilakalapudi,
Machilipatnam,
Krishna District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the 3rd respondent in issuing proceedings Rc.No.B.95/2007, dated 12-08-2007, under the A.P.Assigned Lands (Prohibition of Transfers) Rules, 2007 and proposing to dispossess the petitioners from their lands admeasuring Ac.3.00 in R.S.No.35/1A, 36/1; Ac.3.06 cents in R.S.No.29/1, 29/2, 30/1, 30/3; Ac.5.10 cents in R.S.No.32/5, 33/1B, 33/2, 33/4, 34/1A, 34/3A; Ac.4.90 cents in R.S.No.9/1D, 9/1C, 33/1A, 33/6, 33/7, 33/5 respectively situated in Rudapaka village, Nandivada mandal, Krishna District, as illegal, arbitrary.

3. It is the case of the petitioners that as against the order passed by the 3rd respondent-Tahsildar, Kaikaluru mandal, Krishna District in Rc.No.B.95/07, dated 12-08-2007, in resuming the lands of an extent of Ac.3.00 in R.S.No.35/1A, 36/1; Ac.3.06 cents in R.S.No.29/1, 29/2, 30/1, 30/3; Ac.5.10 cents in R.S.No.32/5, 33/1B, 33/2, 33/4, 34/1A, 34/3A; Ac.4.90 cents in R.S.No.9/1D, 9/1C, 33/1A, 33/6, 33/7, 33/5 respectively situated in Rudapaka village, Nandivada mandal, Krishna District on the ground that the said lands are originally assigned in favour of

some others but the said lands have been transferred in contravention of sub-Section 2 of Section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, they filed appeals before the 2nd respondent-Revenue Divisional Officer, Gudivada along with applications for grant of stay.

4. Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case if any appeals are said to have been filed and pending on the file of the 2nd respondent against the order of the 3rd respondent in Rc.No.B.95 of 2007, dated 12-08-2007, 2nd respondent is directed to consider and dispose of the said appeals as expeditiously as possible without any unnecessary delay and pending appeal petitioners shall not be dispossessed.

5. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

02nd November, 2007.

Note:

Issue operative portion of the order
by wire at party's costs.

B/o
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